Calendar No. 739

99TH CONGRESS
2d Session

SENATE

REPORT
99-343

DIRECTING THE SECRETARY OF THE INTERIOR TO RELEASE A REVERSIONARY INTEREST IN CERTAIN LANDS IN ORANGE COUNTY, FL, WHICH WERE PREVIOUSLY CONVEYED TO ORANGE COUNTY, FL

JULY 25 (legislative day, JULY 21), 1986.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1740]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1740) to direct the Secretary of the Interior to release a reversionary interest in certain lands in Orange County, Florida, which was previously conveyed to Orange County, Florida, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

H.R. 1740, as reported would direct the Secretary of the Interior to release the reversionary interest in a small parcel of land previously conveyed to Orange County, Florida.

BACKGROUND AND NEED

H.R. 1740 deals with a small parcel of land (12,000 square feet) in Orange County, Florida. Until 1972, the parcel was used as a radar site associated with a Nike missile site. In 1972, the tract of land was conveyed by the Department of Defense to Orange County for recreational purposes. The deed also provided that the property would revert to the Federal Government in the event the property is not used for recreational purposes or if it is deemed to be necessary for national defense.

Since 1972, the County has maintained the property and used the building in connection with its park operations as a storage facility. In 1984, the County received a proposal from an adjacent property owner to purchase the property. The purchase price would be for an amount equal to the cost of constructing a similar storage facility on County property located adjacent to its park and recreational

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areas. According to the County, the former radar site is in a remote area and is too small to be used as a park site.

H.R. 1740 directs the Secretary of the Interior to release to Orange County, Florida, the reversionary interest of the United States in the parcel.

The Secretary of the Interior is required to release the reversionary interest of the United States only if Orange County agrees to use any proceeds from the sale of the lands for park and recreation purposes, including the construction of buildings and facilities for the storage of park and recreation equipment and materials.

LEGISLATIVE HISTORY

H.R. 1740 was introduced on March 26, 1985 by Representative Nelson. The measure passed the House of Representatives on November 4, 1985. On March 4, 1986, the Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on H.R. 1740.

At a business meeting on July 16, 1986, the Senate Committee on Energy and Natural Resources ordered H.R. 1740 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on July 16, 1986, by unanimous vote of a quorum present recommends that the Senate pass H.R. 1740.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield [1]	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski [1]	
Mr. Nickles	
Mr. Hecht	
Mr. Evans [1]	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum [1]	
Mr. Bradley [1]	
Mr. Bingaman [1]	
Mr. Rockefeller [1]	

[1] Indicates vote by proxy

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC. July 22, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1740, an act to direct the Secretary of the Interior to release a reversionary interest in certain lands in Orange County, Florida which were previously conveyed to Orange County, Florida, as ordered reported by the Senate Committee on Energy and Natural Resources, July 16, 1986.

We estimate that no cost to the federal government or to state or local governments would result from enactment of H.R. 1740. The act would release the reversionary interest of the United States in a 12,000-square-foot tract in Orange County, Florida, conveyed to the county in 1972 with the condition that if the land were not used for recreational purposes, title would revert to the United States.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committees makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1740. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1740, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports received by the Committee from the Department of the Interior and the Department of the Air Force setting forth executive agency recommendations relating to H.R. 1740 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY,
Washington, D.C., January 29, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 1740, an Act "To direct the Secretary of the Interior to release a reversionary interest in certain lands in Orange County,

Florida which were previously conveyed to Orange County, Florida."

We would not object to the enactment of H.R. 1740.

H.R. 1740 would direct the Secretary of the Interior to release to Orange County, Florida, the reversionary interest of the United States in a parcel of land of approximately 1,200 square feet that was conveyed to Orange County on February 11, 1972, by quitclaim deed. The interest to be released is the condition in the quitclaim deed that provides that title to the lands described in the deed shall revert to, and revest in, the United States if the lands cease to be used for recreational purposes or if the lands are deemed to be necessary for national defense.

The Secretary of the Interior would be required to release the reversionary interest of the United States only if Orange County agrees to use any proceeds from the sale of the lands for park and recreation purposes, including the construction of buildings and facilities for the storage of park and recreation equipment and materials.

It is our understanding that this parcel of land was acquired by the Department of Defense for use as a radar site. The tract of land was conveyed by the Department of Defense of Orange County in 1972 for use for recreational purposes. Because H.R. 1740 provides that the reversionary interest may be released only if the county agrees to use the proceeds from the sale of the lands for park and recreation purposes, releasing that portion of the reversionary interest of the United States that relates to the recreational use of the land would not be contrary to the interests of the Department of the Interior. However, we defer to the Department of Defense on the matter of releasing that portion of the reverter provision that relates to national defense.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. STEVEN GRILES,
Assistant Secretary.

DEPARTMENT OF THE AIR FORCE,
Washington DC, November 26, 1985.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Forwarded for your information are the views of the Department of Defense on H.R. 1740, 99th Congress, a bill "To direct the Secretary of the Interior to release a reversionary interest in certain lands in Orange County, Florida which were previously conveyed to Orange County, Florida." The bill passed the House on November 4, 1985, and was referred to your Committee. The Secretary of Defense has delegated to the Department of the Air Force the responsibility for expressing the views of the Department of Defense.

H.R. 1740 directs the Secretary of the Interior to release a reversionary interest in 1,200 square feet of land in Orange County, who acquired the land on February 11, 1972, by quitclaim deed. The reversionary clause in the deed provides that the land shall revert to the United States when the county ceases to use the land for recreational purposes or is required for national defense. The land in question was known as the Winter Garden Gap Filler Annex and was approximately 12,000 square feet in size, not 1,200 square feet as described in the bill. The Department of the Air Force on behalf of the Department of Defense has not objection to the bill.

Enactment of H.R. 1740 will cause no increase in the budgetary requirements of the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

TIDAL W. MCCOY,
Assistant Secretary of the Air Force
(Manpower, Reserve Affairs and Installations).

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law made by the Act H.R. 1740 as reported.

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